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REMARKS

Claims 2-5, 7-16, and 18-20 are pending in the application upon entry of the amendments. Claim 8 has been amended to incorporate the subject matter of claim 1. Claims 2, 7, 15, 16, 18, and 20 have been amended to correct dependency. Claims 1 and 21-24 have been cancelled without prejudice or disclaimer. Since the amendments place the application in condition for allowance, do not require further searching, and/or place the claims in a better position for appeal, entry is respectfully requested. Favorable reconsideration in light of the amendments and the remarks which follow is respectfully requested.

The Amendments and Allowable Subject Matter

The Examiner's indication that claims 9-14 contain allowable subject matter is noted with appreciation. Claim 1 have been canceled without prejudice or disclaimer and the subject matter of claim 1 has been incorporated into claim 8.

Rejection of Claims 1-5, 7, 8, 15, 16, 18, 19, and 21-24 Under 35 U.S.C. §102(b) over Aston

Claims 1-5, 7, 8, 15, 16, 18, 19, and 21-24 have been rejected under 35 U.S.C. §102(b) as being anticipated by Aston (US Patent No. 2,82,891). The rejection of claims 1 and 21-24 is rendered moot since claims 1 and 21-24 have been cancelled. Claims 2-5, 7, 15, 16, 18, and 19 depend, directly or indirectly, from independent claim 8. The Applicants respectfully request withdrawal of the rejection for at least the following reasons. Aston does not disclose each and every feature of claimed invention.

In order to establish anticipation, each and every feature as set forth in the claim must be disclosed, either expressly or inherently, in a single cited art document.

Aston fails to disclose a composition consisting of a combination of dry metal chlorite and dry solid inorganic hydrophilic material, as required in claim 8. Aston relates to a chlorine dioxide generating composition. Aston states: "My composition is a solid mixture in which the active ingredients are a salt of chlorous acid and a solid

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organic acid anhydride" (Col. 1, lines 8-10 of Aston). Aston requires to contain the solid organic acid anhydride in the composition. Aston does not disclose a composition consisting of a combination of dry metal chlorite and dry solid inorganic hydrophilic material, as required in claim 8.

The Examiner contends that the composition of Example II of Aston contains calcium chloride and the calcium chloride is considered as a hydrophilic salt. Even assuming that the calcium chloride is a hydrophilic salt, however, Aston does not disclose a composition consisting of a combination of dry metal chlorite and dry solid inorganic hydrophilic material, as required in claim 8 because Aston requires to contain a solid organic acid anhydride in the composition.

Since Aston fails to disclose each and every feature of claim 8, Aston cannot anticipate claim 8, and 2-5, 7, 15, 16, 18, and 19 that depend from claim 8. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 1-5, 7, 15, 16, and 18-24 Under 35 U.S.C. §103(a)

Claims 1-5, 7, 15, 16, and 18-24 have been rejected under 35 U.S.C. §103(a) as being obvious over Aston. Claims 1 and 21-24 have been cancelled. Claims 2-5, 7, 15, 16, and 18-20 depend, directly or indirectly, from independent claim 8. Thus, the obviousness rejection is rendered moot.

Conclusion

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

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In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,

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